

## Calendar No. 108

109TH CONGRESS  
1ST SESSION**S. 1061**

To provide for secondary school reform, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 18, 2005

Mrs. MURRAY introduced the following bill; which was read the first time

MAY 19, 2005

Read the second time and placed on the calendar

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**A BILL**

To provide for secondary school reform, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Pathways for All Stu-  
5       dents to Succeed Act”.

1 **TITLE I—READING AND MATHE-**  
2 **MATICS SKILLS FOR SUCCESS**

3 **SEC. 101. FINDINGS.**

4 Congress makes the following findings:

5 (1) While the Elementary and Secondary Edu-  
6 cation Act of 1965 (20 U.S.C. 6301 et seq.), as  
7 amended by the No Child Left Behind Act of 2001  
8 (Public Law 107–110, 115 Stat. 1425), provides a  
9 strong framework for helping children in the early  
10 grades, our Nation still needs a comprehensive strat-  
11 egy to address the literacy problems and learning  
12 gaps of students in middle school and secondary  
13 school.

14 (2) Approximately 60 percent of students in the  
15 poorest communities fail to graduate from secondary  
16 school on time, in large part because of severe read-  
17 ing deficits that contribute to academic failure.

18 (3) Forty percent of students attending high  
19 minority enrollment secondary schools enroll in re-  
20 medial reading coursework when entering higher  
21 education, in an effort to gain the skills their sec-  
22 ondary education failed to provide.

23 (4) While 33 percent of all low-income students  
24 are enrolled in secondary schools, only 15 percent of

1 the funding targeted to disadvantaged students goes  
2 to secondary schools.

3 (5) Data from the 1998 National Assessment of  
4 Educational Progress show that 32 percent of boys  
5 and 19 percent of girls in eighth grade cannot read  
6 at a basic level. These numbers do not change sig-  
7 nificantly in the secondary school years and are even  
8 more dramatic when students are identified by mi-  
9 nority status.

10 (6) The 2002 National Assessment of Edu-  
11 cational Progress writing scores indicate that while  
12 the percentage of fourth and eighth graders writing  
13 at or above a basic level increased between 1998 and  
14 2002, the percentage of 12th graders writing at or  
15 above a basic level decreased. These numbers show  
16 that our concentrated efforts for elementary school  
17 students have improved their writing skills, but by  
18 neglecting the needs of secondary school students,  
19 we are squandering these gains.

20 (7) The United States cannot maintain its posi-  
21 tion as the world's strongest economy if we continue  
22 to ignore the literacy needs of adolescents in middle  
23 school and secondary school.

1           (8) The achievement gap between White and  
2 Asian students and Black and Hispanic students re-  
3 mains wide in the area of mathematics.

4           (9) The 2003 National Assessment of Edu-  
5 cation Progress shows that the achievement gap be-  
6 tween the mathematics scores of eighth grade Black  
7 and Hispanic students and White students is the  
8 same in 2003 as in 1990.

9           (10) The 2003 National Assessment of Edu-  
10 cation Progress shows that eighth grade students el-  
11 igible for a free or reduced-price school lunch did not  
12 meet the basic mathematics score, unlike non-eligible  
13 students.

14           (11) According to the latest results from inter-  
15 national assessments, 15-year-olds from the United  
16 States performed below the international average in  
17 mathematics literacy and problem-solving, placing  
18 27th out of 39 countries.

19           (12) Only  $\frac{1}{3}$  of the United States workforce  
20 has any post-secondary education, yet 60 percent of  
21 new jobs in the 21st century will require post-sec-  
22 ondary education.

23 **SEC. 102. PURPOSES.**

24       The purposes of this title are—

1           (1) to provide assistance to State educational  
2           agencies and local educational agencies in estab-  
3           lishing effective research-based reading, writing, and  
4           mathematics programs for students in middle  
5           schools and secondary schools, including students  
6           with disabilities and students with limited English  
7           proficiency;

8           (2) to provide adequate resources to schools to  
9           hire and to provide in-service training for not less  
10          than 1 literacy coach per 20 teachers who can assist  
11          middle school and secondary school teachers to in-  
12          corporate research-based reading and writing in-  
13          struction into the teachers' teaching of mathematics,  
14          science, history, civics, geography, literature, lan-  
15          guage arts, and other core academic subjects;

16          (3) to provide assistance to State educational  
17          agencies and local educational agencies—

18                (A) in strengthening reading and writing  
19                instruction in middle schools and secondary  
20                schools; and

21                (B) in procuring high-quality diagnostic  
22                reading and writing assessments and com-  
23                prehensive research-based programs and in-  
24                structional materials that will improve reading

1           and writing performance among students in  
2           middle school and secondary school; and

3           (4) to provide adequate resources to schools to  
4           hire and to provide in-service training for not less  
5           than 1 mathematics coach per 20 teachers who can  
6           assist middle school and secondary school teachers  
7           to utilize research-based mathematics instruction to  
8           develop students' mathematical abilities and knowl-  
9           edge, and assist teachers in assessing student learn-  
10          ing.

11 **SEC. 103. DEFINITIONS.**

12          In this title:

13           (1) IN GENERAL.—The terms “local educational  
14           agency”, “Secretary”, and “State educational agen-  
15           cy” have the meaning given the terms in section  
16           9101 of the Elementary and Secondary Education  
17           Act of 1965 (20 U.S.C. 7801).

18           (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—  
19           The term “eligible local educational agency” means  
20           a local educational agency who is eligible to receive  
21           funds under part A of title I of the Elementary and  
22           Secondary Education Act of 1965 (20 U.S.C. 6311  
23           et seq.).

24           (3) LITERACY COACH.—The term “literacy  
25           coach” means a certified or licensed teacher with a

demonstrated effectiveness in teaching reading and writing to students with specialized reading and writing needs, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support reading and writing improvement, who works on site at a school—

(A) to train teachers from across the curriculum to incorporate the teaching of reading and writing skills into their instruction of content;

(B) to train teachers to assess students' reading and writing skills and identify students requiring remediation; and

(C) to provide or assess remedial literacy instruction, including for—

(i) students in after school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(4) MATHEMATICS COACH.—The term “mathematics coach” means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathe-

1        matics to students with specialized needs in mathe-  
 2        matics, a command of mathematical content knowl-  
 3        edge, and the ability to work with classroom teach-  
 4        ers to improve the teachers’ instructional techniques  
 5        to support mathematics improvement, who works on  
 6        site at a school—

7                (A) to train teachers to better assess stu-  
 8                dent learning in mathematics;

9                (B) to train teachers to assess students’  
 10              mathematics skills and identify students requir-  
 11              ing remediation; and

12              (C) to provide or assess remedial mathe-  
 13              matics instruction, including for—

14                      (i) students in after school and sum-  
 15                      mer school programs;

16                      (ii) students requiring additional in-  
 17                      struction;

18                      (iii) students with disabilities; and

19                      (iv) students with limited English pro-  
 20                      ficiency.

21              (5) MIDDLE SCHOOL.—The term “middle  
 22              school” means a school that provides middle school  
 23              education, as determined under State law.



1           (6) SECONDARY SCHOOL.—The term “sec-  
 2       ondary school” means a school that provides sec-  
 3       ondary education, as determined under State law.

4           (7) STATE.—The term “State” means each of  
 5       the 50 States, the District of Columbia, the Com-  
 6       monwealth of Puerto Rico, the United States Virgin  
 7       Islands, Guam, American Samoa, and the Common-  
 8       wealth of the Northern Mariana Islands.

9       **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

10       (a) LITERACY GRANTS.—For the purposes of car-  
 11      rying out subtitle A, there are authorized to be appro-  
 12      priated \$1,000,000,000 for fiscal year 2006 and such  
 13      sums as may be necessary for each of the 5 succeeding  
 14      fiscal years.

15       (b) MATHEMATICS GRANTS.—For the purposes of  
 16      carrying out subtitle B, there are authorized to be appro-  
 17      priated \$1,000,000,000 for fiscal year 2006 and such  
 18      sums as may be necessary for each of the 5 succeeding  
 19      fiscal years.

20                   **Subtitle A—Literacy Skills**  
 21                   **Programs**

22       **SEC. 111. LITERACY SKILLS PROGRAMS.**

23       (a) GRANTS AUTHORIZED.—

24           (1) IN GENERAL.—From funds appropriated  
 25      under section 104(a) for a fiscal year, the Secretary

1 shall establish a program, in accordance with the re-  
 2 quirements of this subtitle, that will provide grants  
 3 to State educational agencies, and grants or sub-  
 4 grants to eligible local educational agencies, to estab-  
 5 lish reading and writing programs to improve the  
 6 overall reading and writing performance of students  
 7 in middle school and secondary school.

8 (2) LENGTH OF GRANT.—A grant to a State  
 9 educational agency under this subtitle shall be  
 10 awarded for a period of 6 years.

11 (b) RESERVATION OF FUNDS BY THE SECRETARY.—  
 12 From amounts appropriated under section 104(a) for a  
 13 fiscal year, the Secretary shall reserve—

14 (1) 3 percent of such amounts to fund national  
 15 activities in support of the programs assisted under  
 16 this subtitle, such as research and dissemination of  
 17 best practices, except that the Secretary may not use  
 18 the reserved funds to award grants directly to local  
 19 educational agencies; and

20 (2) 2 percent of such amounts for the Bureau  
 21 of Indian Affairs to carry out the services and activi-  
 22 ties described in section 112(c) for Indian children.

23 (c) GRANT FORMULAS.—

24 (1) FORMULA GRANTS TO STATE EDUCATIONAL  
 25 AGENCIES.—If the amounts appropriated under sec-

tion 104(a) for a fiscal year are equal to or greater than \$500,000,000, then the Secretary shall award grants, from allotments under paragraph (3), to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish reading and writing programs to improve overall reading and writing performance among students in middle school and secondary school.

(2) DIRECT GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—If the amounts appropriated under section 104(a) for a fiscal year are less than \$500,000,000, then the Secretary shall award grants, on a competitive basis, directly to eligible local educational agencies to establish reading and writing programs to improve overall reading and writing performance among students in middle school and secondary school.

(B) PRIORITY.—The Secretary shall give priority in awarding grants under this paragraph to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(3) ALLOTMENTS TO STATES.—

(A) IN GENERAL.—From funds appropriated under section 104(a) and not reserved under subsection (b) for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under subsection (d) in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) bears to the amount received under such part by all States.

1 (B) MINIMUM ALLOTMENT.—Notwith-  
2 standing subparagraph (A), no State edu-  
3 cational agency shall receive an allotment under  
4 this paragraph for a fiscal year in an amount  
5 that is less than 0.25 percent of the funds allot-  
6 ted to all State educational agencies under sub-  
7 paragraph (A) for the fiscal year.

8 (4) REALLOTMENT.—If a State educational  
9 agency does not apply for a grant under this sub-  
10 title, the Secretary shall reallocate the State educational  
11 agency's allotment to the remaining States.

12 (d) APPLICATIONS.—

13 (1) IN GENERAL.—In order to receive a grant  
14 under this subtitle, a State educational agency shall  
15 submit an application to the Secretary at such time,  
16 in such manner, and accompanied by such informa-  
17 tion as the Secretary may require. Each such appli-  
18 cation shall meet the following conditions:

19 (A) A State educational agency shall not  
20 include the application for assistance under this  
21 subtitle in a consolidated application submitted  
22 under section 9302 of the Elementary and Sec-  
23 ondary Education Act of 1965 (20 U.S.C.  
24 7842).

1 (B) The State educational agency's appli-  
2 cation shall include an assurance that—

3 (i) the State educational agency has  
4 established a reading and writing partner-  
5 ship that—

6 (I) coordinated the development  
7 of the application for a grant under  
8 this subtitle; and

9 (II) will assist in designing and  
10 administering the State educational  
11 agency's program under this subtitle;  
12 and

13 (ii) the State educational agency will  
14 participate, if requested, in any evaluation  
15 of the State educational agency's program  
16 under this subtitle.

17 (C) The State educational agency's appli-  
18 cation shall include a program plan that con-  
19 tains a description of the following:

20 (i) How the State educational agency  
21 will assist eligible local educational agen-  
22 cies in implementing subgrants, including  
23 providing ongoing professional development  
24 for literacy coaches, teachers, paraprofes-  
25 sionals, and administrators.

1 (ii) How the State educational agency  
2 will help eligible local educational agencies  
3 identify high-quality screening, diagnostic,  
4 and classroom-based instructional reading  
5 and writing assessments.

6 (iii) How the State educational agency  
7 will help eligible local educational agencies  
8 identify high-quality research-based mate-  
9 rials and programs.

10 (iv) How the State educational agency  
11 will help eligible local educational agencies  
12 identify appropriate and effective mate-  
13 rials, programs, and assessments for stu-  
14 dents with disabilities and students with  
15 limited English proficiency.

16 (v) How the State educational agency  
17 will ensure that professional development  
18 funded under this subtitle—

19 (I) is based on reading and writ-  
20 ing research;

21 (II) will effectively improve in-  
22 structional practices for reading and  
23 writing for middle school and sec-  
24 ondary school students; and

1 (III) is coordinated with profes-  
2 sional development activities funded  
3 through other programs (including  
4 federally funded programs such as  
5 programs funded under the Adult  
6 Education and Family Literacy Act  
7 (20 U.S.C. 9201 et seq.), the Individ-  
8 uals with Disabilities Education Act  
9 (20 U.S.C. 1400 et seq.), and the Ele-  
10 mentary and Secondary Education  
11 Act of 1965 (20 U.S.C. 6301 et  
12 seq.)).

13 (vi) How funded activities will help  
14 teachers and other instructional staff to  
15 implement research-based components of  
16 reading and writing instruction.

17 (vii) The subgrant process the State  
18 educational agency will use to ensure that  
19 eligible local educational agencies receiving  
20 subgrants implement programs and prac-  
21 tices based on reading and writing re-  
22 search.

23 (viii) How the State educational agen-  
24 cy will build on and promote coordination  
25 among reading and writing programs in



1 the State to increase overall effectiveness  
2 in improving reading and writing instruc-  
3 tion, including for students with disabilities  
4 and students with limited English pro-  
5 ficiency.

6 (ix) How the State educational agency  
7 will regularly assess and evaluate the effec-  
8 tiveness of the eligible local educational  
9 agency activities funded under this sub-  
10 title.

11 (2) REVIEW OF APPLICATIONS.—The Secretary  
12 shall review applications from State educational  
13 agencies under this subsection as the applications  
14 are received.

15 (e) STATE USE OF FUNDS.—Each State educational  
16 agency receiving a grant under this subtitle shall—

17 (1) establish a reading and writing partnership,  
18 which may be the same as the partnership estab-  
19 lished under section 1203(d) of the Elementary and  
20 Secondary Education Act of 1965 (20 U.S.C.  
21 6363(d)), that will provide guidance to eligible local  
22 educational agencies in selecting or developing and  
23 implementing appropriate, research-based reading  
24 and writing programs for middle school and sec-  
25 ondary school students;

1           (2) use 80 percent of the grant funds received  
 2           under this subtitle for a fiscal year to award sub-  
 3           grants to eligible local educational agencies having  
 4           applications approved under section 112(a); and

5           (3) use 20 percent of the grant funds received  
 6           under this subtitle—

7                   (A) to carry out State-level activities de-  
 8                   scribed in the application submitted under sub-  
 9                   section (d);

10                  (B) to provide—

11                           (i) technical assistance to eligible local  
 12                           educational agencies; and

13                           (ii) high-quality professional develop-  
 14                           ment to teachers and literacy coaches;

15                  (C) to oversee and evaluate subgrant serv-  
 16                  ices and activities undertaken by the eligible  
 17                  local educational agencies as described in sec-  
 18                  tion 112(e); and

19                  (D) for administrative costs,  
 20                  of which not more than 10 percent of the grant  
 21                  funds may be used for planning, administration, and  
 22                  reporting.

23           (f) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL  
 24   AGENCIES.—Each State educational agency receiving a  
 25   grant under this subtitle shall provide notice to all eligible

1 local educational agencies in the State about the avail-  
 2 ability of subgrants under this subtitle.

3 (g) SUPPLEMENT NOT SUPPLANT.—Each State edu-  
 4 cational agency receiving a grant under this subtitle shall  
 5 use the grant funds to supplement not supplant State  
 6 funding for activities authorized under this subtitle or for  
 7 other educational activities.

8 (h) NEW SERVICES AND ACTIVITIES.—Grant funds  
 9 provided under this subtitle may be used only to provide  
 10 services and activities authorized under this subtitle that  
 11 were not provided on the day before the date of enactment  
 12 of this Act.

13 **SEC. 112. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL**  
 14 **AGENCIES.**

15 (a) APPLICATION.—

16 (1) IN GENERAL.—Each eligible local edu-  
 17 cational agency desiring a subgrant under this sub-  
 18 title shall submit an application to the State edu-  
 19 cational agency in the form and according to the  
 20 schedule established by the State educational agen-  
 21 cy.

22 (2) CONTENTS.—In addition to any information  
 23 required by the State educational agency, each appli-  
 24 cation under paragraph (1) shall demonstrate how

the eligible local educational agency will carry out the following required activities:

(A) Development or selection and implementation of research-based reading and writing assessments.

(B) Development or selection and implementation of research-based reading and writing programs, including programs for students with disabilities and students with limited English proficiency.

(C) Selection of instructional materials based on reading and writing research.

(D) High-quality professional development for literacy coaches and teachers based on reading and writing research.

(E) Evaluation strategies.

(F) Reporting.

(G) Providing access to research-based reading and writing materials.

(3) CONSORTIA.—An eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium, if each member of the consortium is an eligible local educational agency.

(b) AWARD BASIS.—

1           (1) MINIMUM SUBGRANT AMOUNT.—Each eligi-  
2       ble local educational agency receiving a subgrant  
3       under this subtitle for a fiscal year shall receive a  
4       minimum subgrant amount that bears the same re-  
5       lation to the amount of funds made available to the  
6       State educational agency under section 111(e)(2) as  
7       the amount the eligible local educational agency re-  
8       ceived under part A of title I of the Elementary and  
9       Secondary Education Act of 1965 (20 U.S.C. 6311  
10      et seq.) for the preceding fiscal year bears to the  
11      amount received by all eligible local educational  
12      agencies under such part for the preceding fiscal  
13      year.

14           (2) SUFFICIENT SIZE AND SCOPE.—Subgrants  
15      under this section shall be of sufficient size and  
16      scope to enable eligible local educational agencies to  
17      fully implement activities assisted under this sub-  
18      title.

19           (c) LOCAL USE OF FUNDS.—Each eligible local edu-  
20      cational agency receiving a subgrant under this subtitle  
21      shall use the subgrant funds to carry out, at the middle  
22      school and secondary school level, the following services  
23      and activities:

24           (1) Hiring literacy coaches, at a ratio of not  
25      less than 1 literacy coach for every 20 teachers, and

1 providing professional development for literacy  
2 coaches—

3 (A) to work with classroom teachers to in-  
4 corporate reading and writing instruction within  
5 all subject areas, during regular classroom peri-  
6 ods, after school, and during summer school  
7 programs, for all students;

8 (B) to work with classroom teachers to  
9 identify students with reading and writing prob-  
10 lems and, where appropriate, refer students to  
11 available programs for remediation and addi-  
12 tional services;

13 (C) to work with classroom teachers to di-  
14 agnose and remediate reading and writing dif-  
15 ficulties of the lowest-performing students, by  
16 providing intensive, research-based instruction,  
17 including during after school and summer ses-  
18 sions, geared toward ensuring that the students  
19 can access and be successful in rigorous aca-  
20 demic coursework; and

21 (D) to assess and organize student data on  
22 literacy and communicate that data to school  
23 administrators to inform school reform efforts.

24 (2) Reviewing, analyzing, developing, and,  
25 where possible, adapting curricula to make sure lit-

1       eracy skills are taught within the content area sub-  
2       jects.

3           (3) Providing reading and writing professional  
4       development for all teachers in middle school and  
5       secondary school that addresses both remedial and  
6       higher level literacy skills for students in the applica-  
7       ble curriculum.

8           (4) Providing professional development for  
9       teachers, administrators, and paraprofessionals serv-  
10      ing middle schools and secondary schools to help the  
11      teachers, administrators, and paraprofessionals meet  
12      literacy needs.

13          (5) Procuring and implementing programs and  
14      instructional materials based on reading and writing  
15      research, including software and other education  
16      technology related to reading and writing instruc-  
17      tion.

18          (6) Building on and promoting coordination  
19      among reading and writing programs in the eligible  
20      local educational agency to increase overall effective-  
21      ness in improving reading and writing instruction,  
22      including for students with disabilities and students  
23      with limited English proficiency.

24          (7) Evaluating the effectiveness of the instruc-  
25      tional strategies, teacher professional development

1 programs, and other interventions that are imple-  
 2 mented under the subgrant.

3 (d) SUPPLEMENT NOT SUPPLANT.—Each eligible  
 4 local educational agency receiving a subgrant under this  
 5 subtitle shall use the subgrant funds to supplement not  
 6 supplant the eligible local educational agency funding for  
 7 activities authorized under this subtitle or for other edu-  
 8 cational activities.

9 (e) NEW SERVICES AND ACTIVITIES.—Subgrant  
 10 funds provided under this subtitle may be used only to  
 11 provide services and activities authorized under this sub-  
 12 title that were not provided on the day before the date  
 13 of enactment of this Act.

14 (f) EVALUATIONS.—Each eligible local educational  
 15 agency receiving a grant under this subtitle shall partici-  
 16 pate, as requested by the State educational agency or the  
 17 Secretary, in reviews and evaluations of the programs of  
 18 the eligible local educational agency and the effectiveness  
 19 of such programs, and shall provide such reports as are  
 20 requested by the State educational agency and the Sec-  
 21 retary.

## 22 **Subtitle B—Mathematics Skills** 23 **Programs**

### 24 **SEC. 121. MATHEMATICS SKILLS PROGRAMS.**

25 (a) GRANTS AUTHORIZED.—



1           (1) IN GENERAL.—From funds appropriated  
 2           under section 104(b) for a fiscal year, the Secretary  
 3           shall establish a program, in accordance with the re-  
 4           quirements of this subtitle, that will provide grants  
 5           to State educational agencies, and grants and sub-  
 6           grants to eligible local educational agencies, to estab-  
 7           lish mathematics programs to improve the overall  
 8           mathematics performance of students in middle  
 9           school and secondary school.

10           (2) LENGTH OF GRANT.—A grant to a State  
 11           educational agency under this subtitle shall be  
 12           awarded for a period of 6 years.

13           (b) RESERVATION OF FUNDS BY THE SECRETARY.—  
 14           From amounts appropriated under section 104(b) for a  
 15           fiscal year, the Secretary shall reserve—

16           (1) 3 percent of such amounts to fund national  
 17           activities in support of the programs assisted under  
 18           this subtitle, such as research and dissemination of  
 19           best practices, except that the Secretary may not use  
 20           the reserved funds to award grants directly to local  
 21           educational agencies; and

22           (2) 2 percent of such amounts for the Bureau  
 23           of Indian Affairs to carry out the services and activi-  
 24           ties described in section 122(c) for Indian children.

25           (c) GRANT FORMULAS.—

1           (1) FORMULA GRANTS TO STATE EDUCATIONAL  
2 AGENCIES.—If the amounts appropriated under sec-  
3 tion 104(b) for a fiscal year are equal to or greater  
4 than \$500,000,000, then the Secretary shall award  
5 grants, from allotments under paragraph (3), to  
6 State educational agencies to enable the State edu-  
7 cational agencies to provide subgrants to eligible  
8 local educational agencies to establish mathematics  
9 programs to improve overall mathematics perform-  
10 ance among students in middle school and secondary  
11 school.

12           (2) DIRECT GRANTS TO ELIGIBLE LOCAL EDU-  
13 CATIONAL AGENCIES.—

14           (A) IN GENERAL.—If the amounts appro-  
15 priated under section 104(b) for a fiscal year  
16 are less than \$500,000,000, then the Secretary  
17 shall award grants, on a competitive basis, di-  
18 rectly to eligible local educational agencies to  
19 establish mathematics programs to improve  
20 overall mathematics performance among stu-  
21 dents in middle school and secondary school.

22           (B) PRIORITY.—The Secretary shall give  
23 priority in awarding grants under this para-  
24 graph to eligible local educational agencies  
25 that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(3) ALLOTMENTS TO STATES.—

(A) IN GENERAL.—From funds appropriated under section 104(b) and not reserved under subsection (b) for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under subsection (d) in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) bears to the amount received under such part by all States.

1 (B) MINIMUM ALLOTMENT.—Notwith-  
 2 standing subparagraph (A), no State edu-  
 3 cational agency shall receive an allotment under  
 4 this paragraph for a fiscal year in an amount  
 5 that is less than 0.25 percent of the funds allot-  
 6 ted to all State educational agencies under sub-  
 7 paragraph (A) for the fiscal year.

8 (4) REALLOTMENT.—If a State educational  
 9 agency does not apply for a grant under this sub-  
 10 title, the Secretary shall reallocate the State educational  
 11 agency's allotment to the remaining States.

12 (d) APPLICATIONS.—

13 (1) IN GENERAL.—In order to receive a grant  
 14 under this subtitle, a State educational agency shall  
 15 submit an application to the Secretary at such time,  
 16 in such manner, and accompanied by such informa-  
 17 tion as the Secretary may require. Each such appli-  
 18 cation shall meet the following conditions:

19 (A) A State educational agency shall not  
 20 include the application for assistance under this  
 21 subtitle in a consolidated application submitted  
 22 under section 9302 of the Elementary and Sec-  
 23 ondary Education Act of 1965 (20 U.S.C.  
 24 7842).

1 (B) The State educational agency's appli-  
2 cation shall include an assurance that—

3 (i) the State educational agency has  
4 established a mathematics partnership  
5 that—

6 (I) coordinated the development  
7 of the application for a grant under  
8 this subtitle; and

9 (II) will assist in designing and  
10 administering the State educational  
11 agency's program under this subtitle;  
12 and

13 (ii) the State educational agency will  
14 participate, if requested, in any evaluation  
15 of the State educational agency's program  
16 under this subtitle.

17 (C) The State educational agency's appli-  
18 cation shall include a program plan that con-  
19 tains a description of the following:

20 (i) How the State educational agency  
21 will assist eligible local educational agen-  
22 cies in implementing subgrants, including  
23 providing ongoing professional development  
24 for mathematics coaches, teachers, para-  
25 professionals, and administrators.

1                   (ii) How the State educational agency  
 2 will help eligible local educational agencies  
 3 identify high-quality screening, diagnostic,  
 4 and classroom-based instructional mathe-  
 5 matics assessments.

6                   (iii) How the State educational agency  
 7 will help eligible local educational agencies  
 8 identify high-quality research-based mathe-  
 9 matics materials and programs.

10                  (iv) How the State educational agency  
 11 will help eligible local educational agencies  
 12 identify appropriate and effective mate-  
 13 rials, programs, and assessments for stu-  
 14 dents with disabilities and students with  
 15 limited English proficiency.

16                  (v) How the State educational agency  
 17 will ensure that professional development  
 18 funded under this subtitle—

19                       (I) is based on mathematics re-  
 20 search;

21                       (II) will effectively improve in-  
 22 structional practices for mathematics  
 23 for middle school and secondary  
 24 school students; and

1 (III) is coordinated with profes-  
2 sional development activities funded  
3 through other programs.

4 (vi) How funded activities will help  
5 teachers and other instructional staff to  
6 implement research-based components of  
7 mathematics instruction.

8 (vii) The subgrant process the State  
9 educational agency will use to ensure that  
10 eligible local educational agencies receiving  
11 subgrants implement programs and prac-  
12 tices based on mathematics research.

13 (viii) How the State educational agen-  
14 cy will build on and promote coordination  
15 among mathematics programs in the State  
16 to increase overall effectiveness in improv-  
17 ing mathematics instruction, including for  
18 students with disabilities and students with  
19 limited English proficiency.

20 (ix) How the State educational agency  
21 will regularly assess and evaluate the effec-  
22 tiveness of the eligible local educational  
23 agency activities funded under this sub-  
24 title.

1           (2) REVIEW OF APPLICATIONS.—The Secretary  
2       shall review applications from State educational  
3       agencies under this subsection as the applications  
4       are received.

5       (e) STATE USE OF FUNDS.—Each State educational  
6       agency receiving a grant under this subtitle shall—

7           (1) establish a mathematics partnership that  
8       will provide guidance to eligible local educational  
9       agencies in selecting or developing and implementing  
10      appropriate, research-based mathematics programs  
11      for middle school and secondary school students;

12          (2) use 80 percent of the grant funds received  
13      under this subtitle for a fiscal year to approve high-  
14      quality applications for subgrants to eligible local  
15      educational agencies having applications approved  
16      under section 122(a); and

17          (3) use 20 percent of the grant funds received  
18      under this subtitle—

19           (A) to carry out State-level activities de-  
20      scribed in the application submitted under sub-  
21      section (d);

22           (B) to provide—

23           (i) technical assistance to eligible local  
24      educational agencies; and



1 (ii) high-quality professional develop-  
2 ment to teachers and mathematics coaches;  
3 (C) to oversee and evaluate subgrant serv-  
4 ices and activities undertaken by the eligible  
5 local educational agencies as described in sec-  
6 tion 122(c); and

7 (D) for administrative costs,  
8 of which not more than 10 percent of the grant  
9 funds may be used for planning, administration, and  
10 reporting.

11 (f) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL  
12 AGENCIES.—Each State educational agency receiving a  
13 grant under this subtitle shall provide notice to all eligible  
14 local educational agencies in the State about the avail-  
15 ability of subgrants under this subtitle.

16 (g) SUPPLEMENT NOT SUPPLANT.—Each State edu-  
17 cational agency receiving a grant under this subtitle shall  
18 use the grant funds to supplement not supplant State  
19 funding for activities authorized under this subtitle or for  
20 other educational activities.

21 (h) NEW SERVICES AND ACTIVITIES.—Grant funds  
22 provided under this subtitle may be used only to provide  
23 services and activities authorized under this subtitle that  
24 were not provided on the day before the date of enactment  
25 of this Act.

1 **SEC. 122. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL**  
2 **AGENCIES.**

3 (a) APPLICATION.—

4 (1) IN GENERAL.—Each eligible local edu-  
5 cational agency desiring a subgrant under this sub-  
6 title shall submit an application to the State edu-  
7 cational agency in the form and according to the  
8 schedule established by the State educational agen-  
9 cy.

10 (2) CONTENTS.—In addition to any information  
11 required by the State educational agency, each appli-  
12 cation under paragraph (1) shall demonstrate how  
13 the eligible local educational agency will carry out  
14 the following required activities:

15 (A) Development or selection and imple-  
16 mentation of research-based mathematics as-  
17 sessments.

18 (B) Development or selection and imple-  
19 mentation of research-based mathematics pro-  
20 grams, including programs for students with  
21 disabilities and students with limited English  
22 proficiency.

23 (C) Selection of instructional materials  
24 based on mathematics research.

1 (D) High-quality professional development  
 2 for mathematics coaches and teachers based on  
 3 mathematics research.

4 (E) Evaluation strategies.

5 (F) Reporting.

6 (G) Providing access to research-based  
 7 mathematics materials.

8 (3) CONSORTIA.—An eligible local educational  
 9 agency may apply to the State educational agency  
 10 for a subgrant as a member of a consortium if each  
 11 member of the consortium is an eligible local edu-  
 12 cational agency.

13 (b) AWARD BASIS.—

14 (1) MINIMUM SUBGRANT AMOUNT.—Each eligi-  
 15 ble local educational agency receiving a subgrant  
 16 under this subtitle for a fiscal year shall receive a  
 17 minimum subgrant amount that bears the same re-  
 18 lation to the amount of funds made available to the  
 19 State educational agency under section 121(e)(2) as  
 20 the amount the eligible local educational agency re-  
 21 ceived under part A of title I of the Elementary and  
 22 Secondary Education Act of 1965 (20 U.S.C. 6311  
 23 et seq.) for the preceding fiscal year bears to the  
 24 amount received by all eligible local educational

1 agencies under such part for the preceding fiscal  
2 year.

3 (2) SUFFICIENT SIZE AND SCOPE.—Subgrants  
4 under this section shall be of sufficient size and  
5 scope to enable eligible local educational agencies to  
6 fully implement activities assisted under this sub-  
7 title.

8 (c) LOCAL USE OF FUNDS.—Each eligible local edu-  
9 cational agency receiving a subgrant under this subtitle  
10 shall use the subgrant funds to carry out, at the middle  
11 school and secondary school level, the following services  
12 and activities:

13 (1) Hiring mathematics coaches, at a ratio of  
14 not less than 1 mathematics coach for every 20  
15 teachers, and providing professional development for  
16 mathematics coaches—

17 (A) to work with classroom teachers to bet-  
18 ter assess student learning in mathematics;

19 (B) to work with classroom teachers to  
20 identify students with mathematics problems  
21 and, where appropriate, refer students to avail-  
22 able programs for remediation and additional  
23 services;

24 (C) to work with classroom teachers to di-  
25 agnose and remediate mathematics difficulties

1 of the lowest-performing students, by providing  
2 intensive, research-based instruction, including  
3 during after school and summer sessions,  
4 geared toward ensuring that those students can  
5 access and be successful in rigorous academic  
6 coursework; and

7 (D) to assess and organize student data on  
8 mathematics and communicate that data to  
9 school administrators to inform school reform  
10 efforts.

11 (2) Reviewing, analyzing, developing, and,  
12 where possible, adapting curricula to make sure  
13 mathematics skills are taught within the content  
14 area subjects.

15 (3) Providing mathematics professional develop-  
16 ment for all teachers in middle school and secondary  
17 school that addresses both remedial and higher level  
18 mathematics skills for students in the applicable cur-  
19 riculum.

20 (4) Providing professional development for  
21 teachers, administrators, and paraprofessionals serv-  
22 ing middle schools and secondary schools to help the  
23 teachers, administrators, and paraprofessionals meet  
24 mathematics needs.

1           (5) Procuring and implementing programs and  
2       instructional materials based on mathematics re-  
3       search, including software and other education tech-  
4       nology related to mathematics instruction.

5           (6) Building on and promoting coordination  
6       among mathematics programs in the eligible local  
7       educational agency to increase overall effectiveness  
8       in improving mathematics instruction, including for  
9       students with disabilities and students with limited  
10      English proficiency.

11          (7) Evaluating the effectiveness of the instruc-  
12      tional strategies, teacher professional development  
13      programs, and other interventions that are imple-  
14      mented under the subgrant.

15      (d) SUPPLEMENT NOT SUPPLANT.—Each eligible  
16      local educational agency receiving a subgrant under this  
17      subtitle shall use the subgrant funds to supplement not  
18      supplant the eligible local educational agency funding for  
19      activities authorized under this subtitle or for other edu-  
20      cational activities.

21      (e) NEW SERVICES AND ACTIVITIES.—Subgrant  
22      funds provided under this subtitle may be used only to  
23      provide services and activities authorized under this sub-  
24      title that were not provided on the day before the date  
25      of enactment of this Act.

1       (f) EVALUATIONS.—Each eligible local educational  
 2 agency receiving a grant under this subtitle shall partici-  
 3 pate, as requested by the State educational agency or the  
 4 Secretary, in reviews and evaluations of the programs of  
 5 the eligible local educational agency and the effectiveness  
 6 of such programs, and shall provide such reports as are  
 7 requested by the State educational agency and the Sec-  
 8 retary.

## 9                   **TITLE II—PATHWAYS TO** 10                   **SUCCESS**

### 11 **SEC. 201. FINDINGS.**

12       Congress makes the following findings:

13           (1) In 2003, approximately 60 percent of stu-  
 14 dents in the poorest communities failed to graduate  
 15 from secondary school on time.

16           (2) All ninth grade students should have a plan  
 17 that assesses the student's instructional needs and  
 18 outlines the coursework the student must complete  
 19 to graduate on time, properly prepared for college  
 20 and career.

21           (3) Research shows that 1 of the most impor-  
 22 tant factors behind student success in secondary  
 23 school is a close connection with at least 1 adult who  
 24 demonstrates concern for the student's advancement.

1           (4) Secondary school counselors can help stu-  
 2           dents receive the instructional, tutorial, and social  
 3           supports that contribute to academic success.

4           (5) Model programs around the Nation have  
 5           demonstrated that effective academic and support  
 6           plans for students, developed by counselors serving  
 7           as academic coaches, in cooperation with students  
 8           and parents, result in a higher percentage of stu-  
 9           dents graduating from secondary school well pre-  
 10          pared for college study.

11 **SEC. 202. DEFINITIONS.**

12       In this title:

13           (1) IN GENERAL.—The terms “local educational  
 14           agency”, “poverty line”, “secondary school”, “Sec-  
 15           retary”, and “State educational agency” have the  
 16           meaning given the terms in section 9101 of the Ele-  
 17           mentary and Secondary Education Act of 1965 (20  
 18           U.S.C. 7801).

19           (2) ACADEMIC COUNSELOR.—The term “aca-  
 20           demic counselor” means a highly qualified profes-  
 21           sional who has received professional development ap-  
 22           propriate to perform the services described in section  
 23           205(c).

24           (3) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—  
 25           The term “eligible local educational agency” means



1 a local educational agency who has jurisdiction over  
 2 not less than 1 secondary school receiving assistance  
 3 under part A of title I of the Elementary and Sec-  
 4 ondary Education Act of 1965 (20 U.S.C. 6311 et  
 5 seq.).

6 (4) STATE.—The term “State” means each of  
 7 the 50 States, the District of Columbia, the Com-  
 8 monwealth of Puerto Rico, the United States Virgin  
 9 Islands, Guam, American Samoa, and the Common-  
 10 wealth of the Northern Mariana Islands.

11 **SEC. 203. PROGRAM AUTHORIZED.**

12 The Secretary is authorized to establish a program,  
 13 in accordance with the requirements of this title, that—

14 (1) enables a secondary school that receives as-  
 15 sistance under title I of the Elementary and Sec-  
 16 ondary Education Act of 1965 (20 U.S.C. 6301 et  
 17 seq.), to hire a sufficient number of academic coun-  
 18 selors, in a ratio of not less than 1 counselor to 150  
 19 students, to develop personal plans for each student  
 20 at the school, including students with limited  
 21 English proficiency;

22 (2) involves parents in the development and im-  
 23 plementation of the personal plans; and

24 (3) provides academic counselors and staff at  
 25 the schools receiving grants under this title the op-

1       portunity to coordinate with other programs and  
2       services, including those supported by Federal funds,  
3       to ensure that students have access to the resources  
4       and services necessary to fulfill the students' per-  
5       sonal plans.

6   **SEC. 204. GRANTS TO STATES.**

7       (a) GRANTS AUTHORIZED.—From amounts made  
8       available under section 206 and not reserved under sub-  
9       section (i), the Secretary shall award grants, from allot-  
10      ments under subsection (b), to State educational agencies  
11      to enable the State educational agencies to provide sub-  
12      grants to eligible local educational agencies to implement  
13      programs in secondary schools in accordance with this  
14      title.

15      (b) ALLOTMENTS TO STATES.—

16          (1) IN GENERAL.—From funds appropriated  
17      under section 206 and not reserved under subsection  
18      (i) for a fiscal year, the Secretary shall make an al-  
19      lotment to each State educational agency having an  
20      application approved under subsection (d) in an  
21      amount that bears the same relation to the funds as  
22      the amount the State received under part A of title  
23      I of the Elementary and Secondary Education Act  
24      of 1965 (20 U.S.C. 6311 et seq.) bears to the  
25      amount received under such part by all States.

1           (2) MINIMUM ALLOTMENT.—Notwithstanding  
 2       paragraph (1), no State educational agency shall re-  
 3       ceive an allotment under this subsection for a fiscal  
 4       year in an amount that is less than 0.25 percent of  
 5       the amount allotted to the State educational agen-  
 6       cies under subsection (e)(1) for the fiscal year.

7           (3) RATABLE REDUCTIONS.—If the amount ap-  
 8       propriated to carry out this title for any fiscal year  
 9       is less than \$2,000,000,000, then the Secretary shall  
 10      ratably reduce the allotment made to each State  
 11      educational agency under this subsection in propor-  
 12      tion to the relative number of children who are  
 13      counted under section 1124(c) of the Elementary  
 14      and Secondary Education Act of 1965 (20 U.S.C.  
 15      6333(c)), in the State compared to such number for  
 16      all States.

17      (c) LENGTH OF GRANTS.—A grant to a State edu-  
 18      cational agency under this title shall be awarded for a pe-  
 19      riod of 6 years.

20      (d) APPLICATIONS.—In order to receive a grant  
 21      under this title, a State educational agency shall submit  
 22      an application to the Secretary in the form and according  
 23      to the schedule established by the Secretary by regulation.

24      (e) STATE USE OF FUNDS.—Each State educational  
 25      agency receiving a grant under this title shall use—

1           (1) 80 percent of the grant funds to award sub-  
2           grants to eligible local educational agencies under  
3           section 205; and

4           (2) 20 percent of the grant funds to provide  
5           professional development to academic counselors and  
6           technical assistance to local educational agencies,  
7           and to pay for administrative costs, of which not  
8           more than 10 percent of such 20 percent may be  
9           used for planning, administration, and reporting.

10          (f) SUPPLEMENT NOT SUPPLANT.—Grant funds pro-  
11       vided to State educational agencies under this title shall  
12       be used to supplement not supplant funding provided by  
13       the State for activities authorized under this title or for  
14       other educational activities.

15          (g) NEW SERVICES AND ACTIVITIES.—Grant funds  
16       provided under this title may be used only to provide serv-  
17       ices and activities authorized under this title that were not  
18       provided on the day before the date of enactment of this  
19       Act.

20          (h) REALLOTMENT.—If a State educational agency  
21       does not apply for funding under this title, the Secretary  
22       shall reallocate the State educational agency's allotment to  
23       the remaining eligible State educational agencies.

1 (i) RESERVATIONS.—Of the funds appropriated  
 2 under section 206 for each fiscal year, the Secretary shall  
 3 reserve—

4 (1) 2 percent for the Bureau of Indian Affairs  
 5 to carry out the authorized activities described in  
 6 section 205(c); and

7 (2) 3 percent for national activities that sup-  
 8 port the programs assisted under this title, except  
 9 that the Secretary shall not use such reserved funds  
 10 to award grants directly to local educational agen-  
 11 cies.

12 **SEC. 205. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL**  
 13 **AGENCIES.**

14 (a) SUBGRANTS AUTHORIZED.—From amounts made  
 15 available under section 204(e)(1), a State educational  
 16 agency shall award subgrants to eligible local educational  
 17 agencies having applications approved under subsection  
 18 (b) to enable the eligible local educational agencies to  
 19 carry out the authorized activities described in subsection  
 20 (c).

21 (b) APPLICATIONS.—

22 (1) IN GENERAL.—Each eligible local edu-  
 23 cational agency desiring a subgrant under this title  
 24 shall submit an application to the State educational  
 25 agency in the form and according to the schedule es-

1        tablished by the State educational agency. Each  
2        such application shall describe how the eligible local  
3        educational agency will—

4                (A) hire a sufficient number of highly  
5                qualified academic counselors to develop per-  
6                sonal plans for all students in such students'  
7                first year of secondary school, with a ratio of 1  
8                academic counselor to not more than 150 stu-  
9                dents in each secondary school served under the  
10              subgrant;

11              (B) provide adequate resources to each  
12              such school to offer the supplemental and other  
13              support services that the implementation of stu-  
14              dents' personal plans require, and provide such  
15              supplemental services, where possible, through  
16              coordination with Federal TRIO programs  
17              under chapter 1 of subpart 2 of part A of title  
18              IV of the Higher Education Act of 1965 (20  
19              U.S.C. 1070a–11 et seq.), Gear Up programs  
20              under chapter 2 of such subpart (20 U.S.C.  
21              1070a–21 et seq.), programs under title I of the  
22              Elementary and Secondary Education Act of  
23              1965 (20 U.S.C. 6301 et seq.), 21st Century  
24              Community Learning Centers under part B of  
25              title IV of the Elementary and Secondary Edu-

1 cation Act of 1965 (20 U.S.C. 7171 et seq.),  
 2 programs under the Individuals with Disabil-  
 3 ities Education Act (20 U.S.C. 1400 et seq.) (in  
 4 accordance with students' individualized edu-  
 5 cation programs), and programs under the Carl  
 6 D. Perkins Vocational and Technical Education  
 7 Act of 1998 (20 U.S.C. 2301 et seq.);

8 (C) include parents in the development and  
 9 implementation of students' personal plans; and

10 (D) provide staff at each such school with  
 11 opportunities for appropriate professional devel-  
 12 opment and coordination to help the staff sup-  
 13 port students in implementing the students'  
 14 personal plans.

15 (2) CONSORTIA.—An eligible local educational  
 16 agency may apply to the State educational agency  
 17 for a subgrant as a consortium, if each member of  
 18 the consortium is an eligible local educational agen-  
 19 cy.

20 (c) AUTHORIZED ACTIVITIES.—Each eligible local  
 21 educational agency receiving a subgrant under this title  
 22 shall use the subgrant funds to provide the following serv-  
 23 ices:

24 (1) Hiring academic counselors (at a ratio of  
 25 not less than 1 counselor per 150 students) to de-

1       velop the 6-year personal plans for all students in  
2       such students' first year of secondary school and co-  
3       ordinate the services required to implement such  
4       personal plans. Such academic counselors shall—

5               (A) work with students and their families  
6               to develop an individual plan that will define  
7               such students' career and education goals, as-  
8               sure enrollment in the coursework necessary for  
9               on-time graduation and preparation for career  
10              development or postsecondary education, and  
11              identify the courses and supplemental services  
12              necessary to meet those goals;

13             (B) advocate for students, helping the stu-  
14             dents to access the services and supports nec-  
15             essary to achieve the goals laid out in the per-  
16             sonal plan for the student;

17             (C) assure student access to services, both  
18             academic and nonacademic, needed to lower  
19             barriers to succeed as needed;

20             (D) assess student progress on a regular  
21             basis;

22             (E) work with school and eligible local edu-  
23             cational agency administrators to promote re-  
24             forms based on student needs and performance  
25             data;



1           (F) involve parents or caregivers, including  
 2           those parents or caregivers who are limited  
 3           English proficient, and teachers, in the develop-  
 4           ment of students' personal plans to ensure the  
 5           support and assistance of the parents, care-  
 6           givers, and teachers in meeting the goals out-  
 7           lined in such personal plans; and

8           (G) communicate to students and their  
 9           families the importance of implementing the 2  
 10          years of the personal plan following secondary  
 11          school graduation, and work with institutions of  
 12          higher education to help students transition  
 13          successfully and fully implement the students'  
 14          personal plans.

15          (2) Determining the academic needs of all stu-  
 16          dents entering grade 9 and identifying barriers to  
 17          success.

18          (3) Ensuring availability of the services nec-  
 19          essary for the implementation of students' personal  
 20          plans, including access to a college preparatory cur-  
 21          riculum and advanced placement or international  
 22          baccalaureate courses.

23          (4) Where appropriate, modifying the cur-  
 24          riculum at a secondary school receiving subgrant

1 funds under this title to address the instructional re-  
 2 quirements of students' personal plans.

3 (5) Providing for the ongoing assessment of  
 4 students for whom personal plans have been devel-  
 5 oped and modifying such personal plans as nec-  
 6 essary.

7 (6) Coordinating the services offered with  
 8 subgrant funds received under this title with other  
 9 Federal, State, and local funds, including programs  
 10 authorized under title I of the Elementary and Sec-  
 11 ondary Education Act of 1965 (20 U.S.C. 6301 et  
 12 seq.), sections 402A and 404A of the Higher Edu-  
 13 cation Act of 1965 (20 U.S.C. 1070a–11 and  
 14 1070a–21), the Individuals with Disabilities Edu-  
 15 cation Act (20 U.S.C. 1400 et seq.) (in accordance  
 16 with students' individualized education programs),  
 17 and the Carl D. Perkins Vocational and Technical  
 18 Education Act of 1998 (20 U.S.C. 2301 et seq.).

19 (d) ELIGIBLE LOCAL EDUCATIONAL AGENCY PRI-  
 20 ORITY.—In awarding subgrants to eligible local edu-  
 21 cational agencies, a State educational agency shall give  
 22 priority to eligible local educational agencies with—

23 (1) the largest number or percentage of stu-  
 24 dents in grades 6 through 12 reading below grade  
 25 level; or

1           (2) the lowest graduation rates as described in  
2       section 1111(b)(2)(C)(vi) of the Elementary and  
3       Secondary Education Act of 1965 (20 U.S.C.  
4       6311(b)(2)(C)(vi)).

5       (e) SCHOOL PRIORITY.—In awarding subgrant funds  
6 to secondary schools, an eligible local educational agency  
7 shall give priority to secondary schools that—

8           (1) have the highest percentages or numbers of  
9       students in grades 6 through 12 reading below grade  
10      level;

11          (2) have the highest percentages or numbers of  
12      children living below the poverty line according to  
13      census figures; or

14          (3) have the lowest graduation rates as de-  
15      scribed in section 1111(b)(2)(C)(vi) of the Elemen-  
16      tary and Secondary Education Act of 1965 (20  
17      U.S.C. 6311(b)(2)(C)(vi)).

18      (f) MINIMUM SUBGRANT AMOUNT.—Each eligible  
19 local educational agency receiving a subgrant under this  
20 title for a fiscal year shall receive a minimum subgrant  
21 amount that bears the same relation to the amount of  
22 funds made available to the State educational agency  
23 under section 204(e)(1) as the amount the eligible local  
24 educational agency received under part A of title I of the  
25 Elementary and Secondary Education Act of 1965 (20

1 U.S.C. 6311 et seq.) for the preceding fiscal year bears  
2 to the amount received by all eligible local educational  
3 agencies in the State under such part for the preceding  
4 fiscal year.

5 (g) SUFFICIENT SIZE AND SCOPE.—Subgrants under  
6 this section shall be of sufficient size and scope to enable  
7 eligible local educational agencies to fully implement ac-  
8 tivities assisted under this title.

9 (h) SUPPLEMENT NOT SUPPLANT.—Each eligible  
10 local educational agency receiving a subgrant under this  
11 section shall use the subgrant funds to supplement not  
12 supplant funding for activities authorized under this title  
13 or for other educational activities.

14 (i) NEW SERVICES AND ACTIVITIES.—Subgrant  
15 funds provided under this section may be used only to pro-  
16 vide services and activities authorized under this section  
17 that were not provided on the day before the date of enact-  
18 ment of this Act.

19 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

20 For the purposes of carrying out this title, there are  
21 authorized to be appropriated \$2,000,000,000 for fiscal  
22 year 2006 and such sums as may be necessary for each  
23 of the 5 succeeding fiscal years.

1 **TITLE III—FOSTERING SUCCESS-**  
2 **FUL SECONDARY SCHOOLS**

3 **SEC. 301. FINDINGS.**

4 Congress makes the following findings:

5 (1) Personalization of the school environment  
6 has been proven to be an essential factor in helping  
7 low-performing secondary school students succeed.

8 (2) Effective schools provide ongoing, high-qual-  
9 ity professional development for teachers and admin-  
10 istrators to improve instruction.

11 (3) Student success is dependent upon align-  
12 ment of curriculum, instruction, and assessment.

13 (4) Successful schools adapt instruction to the  
14 unique interests and talents of each student.

15 (5) Successful schools have high expectations  
16 for all students and offer a rigorous curriculum for  
17 the entire student body.

18 (6) Ongoing assessment is the best way to  
19 measure how each student is learning and respond-  
20 ing to the teacher's instructional methods.

21 (7) Effective secondary schools have access to,  
22 and utilize, data related to student performance  
23 prior to, and following, secondary school enrollment.

24 (8) Despite significant increases to the pro-  
25 gram, only about 7 percent of funding for title I of

1 the Elementary and Secondary Education Act of  
2 1965 (20 U.S.C. 6301 et seq.) goes to secondary  
3 schools.

4 (9) Every year, 1,300,000 students do not  
5 graduate with their peers, which means every school  
6 day, our Nation loses 7,000 students.

7 (10) Nationally, of 100 ninth-graders, only 68  
8 will graduate from high school on time, only 38 will  
9 directly enter college, only 26 will still be enrolled  
10 for the sophomore year, and only 18 will end up  
11 graduating from college. The numbers for minority  
12 students are even lower.

13 (11) Even secondary school graduates going on  
14 to college are struggling with basic literacy skills,  
15 with 40 percent of all 4-year college students taking  
16 a remedial course and 63 percent of all community  
17 college students assigned to at least 1 remedial  
18 course.

19 **SEC. 302. PURPOSES.**

20 It is the purpose of this title to implement research-  
21 based programs, practices, and models that will improve  
22 student achievement in low performing secondary schools.

23 **SEC. 303. DEFINITIONS.**

24 In this title:

1           (1) IN GENERAL.—The terms “institution of  
2 higher education”, “local educational agency”, “sec-  
3 ondary school”, “Secretary”, and “State educational  
4 agency” have the meanings given the terms in sec-  
5 tion 9101 of the Elementary and Secondary Edu-  
6 cation Act of 1965 (20 U.S.C. 7801).

7           (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—  
8 The term “eligible local educational agency” means  
9 a local educational agency that has jurisdiction over  
10 not less than 1 eligible secondary school.

11          (3) ELIGIBLE PARTNERSHIP.—The term “eligi-  
12 ble partnership” means—

13           (A) an eligible local educational agency in  
14 partnership with a regional educational labora-  
15 tory, an institution of higher education, or an-  
16 other nonprofit institution with significant expe-  
17 rience in implementing and evaluating edu-  
18 cation reforms; or

19           (B) a consortium of eligible secondary  
20 schools or eligible local educational agencies,  
21 each of which is an eligible entity described in  
22 subparagraph (A).

23          (4) ELIGIBLE SECONDARY SCHOOL.—The term  
24 “eligible secondary school” means a secondary school  
25 identified for school improvement under section

1        1116(b) of the Elementary and Secondary Edu-  
 2        cation Act of 1965 (20 U.S.C. 6316(b)), as of the  
 3        day preceding the date of enactment of the Path-  
 4        ways for All Students to Succeed Act.

5            (5) STATE.—The term “State” means each of  
 6        the several States of the United States, the District  
 7        of Columbia, the Commonwealth of Puerto Rico, the  
 8        United States Virgin Islands, Guam, American  
 9        Samoa, and the Commonwealth of the Northern  
 10       Mariana Islands.

11    **SEC. 304. PROGRAM AUTHORIZED; AUTHORIZATION OF AP-**  
 12                                    **PROPRIATIONS.**

13        (a) PROGRAM AUTHORIZED.—The Secretary is au-  
 14        thorized to award grants to State educational agencies,  
 15        from allotments under section 305(b), to enable the State  
 16        educational agencies to award subgrants to eligible local  
 17        educational agencies, from allocations under section  
 18        305(c)(2), to promote secondary school improvement and  
 19        student achievement.

20        (b) AUTHORIZATION OF APPROPRIATIONS.—There  
 21        are authorized to be appropriated to carry out this title  
 22        \$500,000,000 for fiscal year 2006 and such sums as may  
 23        be necessary for each of the 5 succeeding fiscal years.



1 **SEC. 305. RESERVATIONS, STATE ALLOTMENTS, AND LOCAL**  
2 **ALLOCATIONS.**

3 (a) RESERVATIONS.—From funds appropriated  
4 under section 304(b) for a fiscal year the Secretary shall  
5 reserve—

6 (1) 2 percent for schools funded or supported  
7 by the Bureau of Indian Affairs to carry out the  
8 purposes of this title for Indian children;

9 (2) 3 percent to carry out national activities in  
10 support of the purposes of this title; and

11 (3) 95 percent for allotment to the States in ac-  
12 cordance with subsection (b).

13 (b) ALLOTMENT TO STATES.—

14 (1) IN GENERAL.—From funds reserved under  
15 subsection (a)(3) for a fiscal year, the Secretary  
16 shall make an allotment to each State educational  
17 agency in an amount that bears the same relation-  
18 ship to the funds as the number of schools in that  
19 State that have been identified for school improve-  
20 ment under section 1116(b) of the Elementary and  
21 Secondary Education Act of 1965 (20 U.S.C.  
22 6316(b)), bears to the number of schools in all  
23 States that have been identified for school improve-  
24 ment under such section 1116(b).

25 (2) REALLOTMENT.—The portion of any State  
26 educational agency's allotment that is not used by

1 the State educational agency shall be reallocated  
 2 among the remaining State educational agencies on  
 3 the same basis as the original allotments were made  
 4 under paragraph (1).

5 (c) ALLOCATIONS TO ELIGIBLE LOCAL EDU-  
 6 CATIONAL AGENCIES.—

7 (1) RESERVATIONS.—Each State educational  
 8 agency receiving a grant under this title shall re-  
 9 serve—

10 (A) not more than 10 percent of the grant  
 11 funds—

12 (i) for State-level activities to provide  
 13 high-quality professional development and  
 14 technical assistance to local educational  
 15 agencies receiving funds under this title  
 16 and to other local educational agencies as  
 17 appropriate, including the dissemination  
 18 and implementation of research-based pro-  
 19 grams, practices, and models for secondary  
 20 school improvement; and

21 (ii) to contract for the evaluation of  
 22 all programs and activities in the State  
 23 that are assisted under this title; and

24 (B) not less than 90 percent of the grant  
 25 funds to award subgrants to eligible local edu-

1           cational agencies to enable the eligible local  
2           educational agencies to carry out the activities  
3           described in section 306.

4           (2) LOCAL ALLOCATION.—From funds reserved  
5           under paragraph (1)(B), the State educational agen-  
6           cy shall allocate to each eligible local educational  
7           agency in the State an amount that bears the same  
8           relation to such funds as the number of secondary  
9           schools that have been identified for school improve-  
10          ment under section 1116(b) of the Elementary and  
11          Secondary Education Act of 1965 (20 U.S.C.  
12          6316(b)), that are served by the eligible local edu-  
13          cational agency, bears to the number of such schools  
14          served by all eligible local educational agencies in the  
15          State.

16 **SEC. 306. LOCAL USES OF FUNDS.**

17          Each eligible local educational agency receiving a  
18          subgrant under this title shall use the subgrant funds for  
19          activities to improve secondary schools that have been  
20          identified for school improvement under section 1116(b)  
21          of the Elementary and Secondary Education Act of 1965  
22          (20 U.S.C. 6316(b)), such as—

23               (1) developing and implementing research-based  
24          programs or models that have been shown to raise  
25          achievement among secondary school students, in-

cluding smaller learning communities, adolescent literacy programs, block scheduling, whole school reforms, individualized learning plans, personalized learning environments, and strategies to target students making the transition from middle school to secondary school;

(2) promoting community investment in school quality by engaging parents, businesses, and community-based organizations in the development of reform plans for eligible secondary schools;

(3) researching, developing, and implementing a school district strategy to create smaller learning communities for secondary school students, both by creating smaller learning communities within existing secondary schools, and by developing new, smaller, and more personalized secondary schools;

(4) providing professional development for school staff in research-based practices, such as interactive instructional strategies and opportunities to connect learning with experience; and

(5) providing professional development and leadership training for principals and other school leaders in the best practices of instructional leadership and implementing school reforms to raise student achievement.

1 **SEC. 307. APPLICATIONS.**

2 (a) STATES.—Each State educational agency desiring  
 3 a grant under this title shall submit to the Secretary an  
 4 application at such time, in such manner, and containing  
 5 such information as the Secretary may require to ensure  
 6 compliance with the requirements of this title.

7 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—  
 8 Each eligible local educational agency desiring a subgrant  
 9 under this title shall submit to the State educational agen-  
 10 cy an application at such time, in such manner, and con-  
 11 taining such information as the State educational agency  
 12 may require to ensure compliance with the requirements  
 13 of this title. Each such application shall describe how the  
 14 eligible local educational agency will form an eligible part-  
 15 nership to carry out the activities assisted under this title.

16 **SEC. 308. EVALUATIONS.**

17 In cooperation with the State educational agencies re-  
 18 ceiving funds under this title, the Secretary shall under-  
 19 take or contract for a rigorous evaluation of the effective-  
 20 ness and success of activities conducted under this title.

21 **TITLE IV—DATA CAPACITY**

22 **SEC. 401. GRANTS FOR INCREASING DATA CAPACITY FOR**  
 23 **PURPOSES OF ASSESSMENT AND ACCOUNT-**  
 24 **ABILITY.**

25 (a) PROGRAM AUTHORIZED.—From funds appro-  
 26 priated under subsection (e) for a fiscal year, the Sec-

1   retary may award grants, on a competitive basis, to State  
 2   educational agencies to enable the State educational agen-  
 3   cies to develop or increase the capacity of data systems  
 4   for assessment and accountability purposes, including the  
 5   collection of graduation rates.

6       (b) APPLICATION.—Each State educational agency  
 7   desiring a grant under this section shall submit an appli-  
 8   cation to the Secretary at such time, in such manner, and  
 9   containing such information as the Secretary may require.

10      (c) USE OF FUNDS.—Each State educational agency  
 11   that receives a grant under this section shall use the grant  
 12   funds for the purpose of—

13           (1) increasing the capacity of, or creating, State  
 14   databases to collect, disaggregate, and report infor-  
 15   mation related to student achievement, enrollment,  
 16   and graduation rates for assessment and account-  
 17   ability purposes; and

18           (2) reporting, on an annual basis, for the ele-  
 19   mentary schools and secondary schools within the  
 20   State, on—

21               (A) the enrollment data from the begin-  
 22   ning of the academic year;

23               (B) the enrollment data from the end of  
 24   the academic year; and

25               (C) the twelfth grade graduation rates.

1 (d) DEFINITIONS.—In this section:

2 (1) GRADUATION RATE.—The term “graduation  
3 rate” means the percentage that—

4 (A) the total number of students who—

5 (i) graduate from a secondary school  
6 with a regular diploma (which shall not in-  
7 clude the recognized equivalent of a sec-  
8 ondary school diploma or an alternative de-  
9 gree) in an academic year; and

10 (ii) graduated on time by progressing  
11 1 grade per academic year; represents of

12 (B) the total number of students who en-  
13 tered the secondary school in the entry level  
14 academic year applicable to the graduating stu-  
15 dents.

16 (2) STATE EDUCATIONAL AGENCY.—The term  
17 “State educational agency” has the meaning given  
18 such term in section 9101 of the Elementary and  
19 Secondary Education Act of 1965 (20 U.S.C. 7801).

20 (3) SECRETARY.—The term “Secretary” means  
21 the Secretary of Education.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to carry out this section  
24 \$50,000,000 for fiscal year 2006, and such sums as may  
25 be necessary for each of the 2 succeeding fiscal years.

Calendar No. 108

109TH CONGRESS  
1ST Session

**S. 1061**

**A BILL**

To provide for secondary school reform, and for  
other purposes.

MAY 19, 2005

Read the second time and placed on the calendar